

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES COLLINGS, <i>Plaintiff,</i> v. STATE FARM FIRE AND CASUALTY COMPANY, <i>Defendant.</i>	CIVIL ACTION NO. 2:22-cv-0057
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**ORDER RE: DEFENDANT'S PARTIAL MOTION TO DISMISS COMPLAINT
AND MOTION TO STRIKE**

AND NOW, this 28th day of April 2022, upon consideration of Plaintiff's Complaint (ECF 1–A), Defendant's Partial Motion to Dismiss and Motion to Strike (ECF 3), Plaintiff's Response in Opposition (ECF 5), and Defendant's Reply (ECF 6), and for the reasons stated in the foregoing Memorandum, it is hereby **ORDERED** that:

- Defendant's Partial Motion to Dismiss Count II is **GRANTED without prejudice**;
- Defendant's Motion to Strike Plaintiff's requests for Attorneys' Fees and Punitive Damages in Count I is **GRANTED without prejudice**;
- Defendant's Motion to Strike Plaintiff's allegations regarding Defendant's purported contractual duties is **DENIED**; and
- Defendant's Motion to Strike Plaintiff's request for compensatory damages in Count III is **GRANTED as unopposed**.

Plaintiff may file an amended complaint within fourteen (14) days of the date of entry of this Order.

BY THE COURT:

/s/ MICHAEL M. BAYLSON

MICHAEL M. BAYLSON, U.S.D.J.